IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6103 of 2007()

[CRIME NO.343/2007 OF POOYAPPALLI POLICE STATION]

: PETITIONER/ACCUSED 1 & 2

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1. DEEPU RAJ, S/O RAJENDRAN,
DEEPU BHAVAN, KARINGANOOR,
VELINALLOOR, KOTTARAKKARA.

2. RATNAMANI, W/O RAJENDRAN,
-DO- -DO-

BY ADV. SRI.SAJU.S.A

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6103 of 2007

Dated this the 8th day of October 2007

O R D E R

Application for anticipatory bail. Petitioners are the husband and mother-in-law of the de facto complainant. The marriage took place on 8/5/2007. The crime has been registered on the basis of the private complaint filed by the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Crime was registered on the basis of 498A I.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can now be granted anticipatory bail subject of course to appropriate conditions. I reckon the stand taken by the learned Public Prosecutor as fair and reasonable. Arrest and incarceration of the petitioner is likely to mar all possibilities of harmonious resolution of the matrimonial dispute. I take note of the particular fact that the marriage had

taken place only on 8/5/2007. I find merit in the submission of the learned counsel for the petitioner that maladjustments in marriage is prompting the de facto complainant to make such allegations within the short period of marriage.

3. The learned Public Prosecutor submits that the de facto complainant has suffered no injuries consequent to the alleged infliction of physical cruelty. Appropriate conditions can of course be imposed.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 15/10/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 16/10/2007 and 17/10/2007 and thereafter on all

Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 15/10/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 15/10/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007